

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11th LIABILITY :
INSURANCE COVERAGE CASE :
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**TOPICS FOR AGENDA;
MEETING OF APR. 14, 2005**

03 Civ. 0332 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

The parties shall be prepared to discuss, at the forthcoming meeting of April 14, 2005, how this litigation will affect the other September 11th lawsuits, and vice-versa, and to consider proposed timetables. The parties shall confer among themselves, and serve and file short statements of their respective proposals on April 7, 2005. These proposals should include the implications of various findings of liability among parties, the implications of settlement without specific findings of liability, and any other outcome of the underlying cases that will affect this litigation.

The following tracks of cases should be considered.

I. 21 MC 97: Wrongful Death and Personal Injury Cases

These are claims alleging personal injury and wrongful death from the events on the day of September 11, 2001 by victims who chose not to apply to the Victim's Compensation Fund ("VCF"). There are approximately 100 cases: About 70 by representatives of deceased airline passengers (UAL and Am. Airlines; UA 93 from Newark into Pennsylvania; UA 175 from Boston into WTC; AA Flight 11 from Boston in WTC, AA Flight 77 from Dulles into the Pentagon. About 30 cases are by representatives of ground victims for wrongful deaths, and by ground victims who suffered injury; against UAL, AA, other airlines, including feeder flights;

against Logan and Newark airport authorities, aviation security companies and airlines responsible for security; and against Boeing.

The parties shall identify in which cases the Port Authority or its lessees are, and are not, parties, and in what ways, and to what extent, there may, or may not, be insurance exposures.

II. 21 MC 101: Property Damage Cases

There are 28 cases by owners or lessees of nearby destroyed buildings, and by lessees and owners of businesses in the destroyed towers. Some cases are for uninsured losses; some for subrogated losses. The cases are against the Port Authority, and against airlines, airports and aviation security companies.

The Port Authority is also a plaintiff in this case.

III. Seven World Trade Center Cases

These cases are subrogation claims by insurance companies for property damage resulting from the collapse of Seven World Trade Center (“7WTC”). These cases share some common issues with 21 MC 101, but have a unique issue arising from the indirect cause of the collapse of 7WTC. There are questions of both fact and law surrounding allegations that fuel tanks maintained by the City for its Emergency Control Center, and by Citigroup for its trading floor, contributed to, or directly caused the collapse of 7WTC.

IV. 21 MC 100 Respiratory Damage Cases

These cases have been brought by the clean-up workers at the WTC site and other clean-up locations, such as Freshkills Landfill, alleging that they suffered respiratory injuries as a result of inhaling noxious fumes during the cleanup operation. The suits are against the City, the Port Authority, and the construction companies and contractors that were all working at the site. The City has formed a captive insurer to address the liability issues. There are approximately 800 cases thus far, with at least twice that number projected to be filed. The exact number of cases will depend on (a) the aspects of state tort law and procedure that govern when one can file a suit based on the manifestation of a respiratory injury; and (b) complex issues of federal jurisdiction that are currently on appeal before the United States Court of Appeals for the Second Circuit.

SO ORDERED.

Dated: New York, New York
March 30, 2005

ALVIN K. HELLERSTEIN
United States District Judge